# RULES

#### OF

# THE BOARD OF REGENTS OF THE

#### STATE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF TENNESSEE

# CHAPTER 0240-3-18 PELLISSIPPI STATE TECHNICAL COMMUNITY COLLEGE STUDENT DISCIPLINARY RULES

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#### 0240-3-18-.01 INSTITUTIONAL POLICY STATEMENT.

(1) Pellissippi State Technical Community College students are citizens of the state, local, and national governments, and of the academic community and are, therefore, expected to conduct themselves as law-abiding members of each community at all times.

Admission to Pellissippi State carries with it special privileges and imposes special responsibilities apart from those rights and duties enjoyed by nonstudents. In recognition of the special relationship that exists between the College and the academic community which it seeks to serve, the Tennessee Board of Regents (TBR) has authorized the president of Pellissippi State under its jurisdiction to take such action, as may be necessary, to maintain campus conditions and preserve the integrity of the College and its educational environment.

(2) Pursuant to this authorization, the College has developed the following regulations that are intended to govern student conduct on the campus. In addition, students are subject to all national, state, and local laws and ordinances. If a student's violation of such laws or ordinances also adversely affects Pellissippi State's pursuit of its educational objectives, the College may enforce its own regulations regardless of any proceedings instituted by other authorities. Conversely, violation of any section of these regulations may subject a student to disciplinary measures by the College whether or not such conduct is simultaneously in violation of state, local, or national laws.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000.

#### 0240-3-18-.02 DISCIPLINARY OFFENSES.

- (1) Generally, through appropriate due process procedures, College disciplinary measures shall be imposed for conduct that adversely affects Pellissippi State's pursuit of its educational objectives, that violates or shows a disregard for the rights of other members of the academic community, or that endangers property or people on College or College-controlled property.
- (2) Individual or organizational misconduct that is subject to disciplinary sanctions shall include but not be limited to the following examples:
  - (a) Conduct dangerous to others. Any conduct that constitutes a serious danger to any person's health, safety, or personal well-being, including any physical abuse or immediate threat of abuse:

(Rule 0240-3-18-.02, continued)

- (b) Hazing. Any intentional or reckless act in Tennessee, on or off the property of any higher educational institution, by one student, acting alone or with others, that is directed against any other student, that endangers the mental or physical health or safety of another student, or that induces or coerces a student to endanger such student's mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (c) Disorderly conduct. Any individual or group behavior that is abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or that unreasonably disturbs other groups or individuals.
- (d) Obstruction of or interference with Pellissippi State activities or facilities. Any intentional interference with or obstruction of any College activity, program, event, or facilities, including the following:
  - Any unauthorized occupancy of College or College-controlled facilities or blockage of access to or from such facilities.
  - 2. Interference with the right of any College member or other authorized person to gain access to any college or College-controlled activity, program, event or facilities.
  - 3. Any obstruction or delay of a campus security officer, firefighter, or any College official in the performance of his/her duty.
- (e) Misuse of or damage to property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to Pellissippi State including, but not limited to fire alarms, fire equipment, elevators, telephones, College keys, library materials and/or safety devices; and any such act against a member of the College community or guest of Pellissippi State.
- (f) Theft, misappropriation, or unauthorized sale. Any act of theft, misappropriation, or sale of Pellissippi State property or any such act against a member of the College community or a guest of Pellissippi State.
- (g) Misuse of documents or identification cards. Any forgery, alteration of or unauthorized use of Pellissippi State documents, forms, records or identification cards, including the giving of any false information, or withholding necessary information in connection with a student's admission, enrollment or status in the College.
- (h) Firearms and other dangerous weapons. Any possession of or use of firearms or dangerous weapons of any kind.
- (i) Explosives, fireworks, or flammable materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to people or property, or possession of any substance that could be considered to be and used as fireworks.
- (j) Alcoholic beverages. The use and/or possession of alcoholic beverages is not allowed on Pellissippi State-owned or controlled property.
- (k) Drugs. The unlawful possession or use of any drug or controlled substances (including any stimulant, depressant, narcotic, or hallucinogenic drug or substance, or marijuana), or sale or distribution of any such drug or controlled substance.
- (l) Gambling. Gambling in any form.

(Rule 0240-3-18-.02, continued)

- (m) Financial irresponsibility. Failure to promptly meet financial responsibilities to Pellissippi State including but not limited to passing a worthless check or money order in payment to the College or to a member of the College community acting in an official capacity.
- (n) Unacceptable conduct in hearings. Any conduct at a Pellissippi State hearing involving contemptuous, disrespectful, or disorderly behavior, or the giving of false testimony or other evidence at any hearing.
- (o) Failure to cooperate with Pellissippi State officials. Failure to comply with directions of College officials acting in the performance of their duties.
- (p) Attempts and aiding and abetting the commission of offenses. Any attempt to commit any of the foregoing offenses or the aiding and abetting of the commission of any of the foregoing offenses (an "attempt" to commit an offense is defined as the intention to commit the offenses coupled with the taking of some action toward its commission).
- (q) Violations of the state or federal laws. Any violation of state or federal laws or regulations prescribing conduct or establishing offenses; which laws and regulations are incorporated herein by reference.
- (r) Violations of the general rules and regulations. Any violation of the general rules and regulations of Pellissippi State as published in an official Pellissippi State publication, including the intentional failure to perform any required action or the intentional performance of any prohibited action.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 20, 1996; effective March 28, 1997. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed October 8, 2003; effective February 27, 2004.

## 0240-3-18-.03 ACADEMIC AND CLASSROOM MISCONDUCT.

- (1) The instructor has the primary responsibility for control over classroom behavior and the maintenance of academic integrity, and can order the temporary removal or exclusion from the classroom of any student engaged in disruptive conduct or conduct in violation of the general rules and regulations of Pellissippi State. Extended or permanent exclusion can be effected only through appropriate procedures of Pellissippi State.
- (2) Plagiarism, cheating and other forms of academic dishonesty are prohibited. A student guilty of academic misconduct, either directly or indirectly through participation or assistance is immediately responsible to the instructor of the class. In addition to other possible disciplinary sanctions that may be imposed through the regular Pellissippi State procedures as a result of academic misconduct, the instructor has the authority to assign an F or a zero for the exercise or examination, or to assign an F in the course.
- (3) If a student believes that he or she has been erroneously accused of academic misconduct and if his or her final grade has been lowered as a result, the student may appeal the case through the appropriate Pellissippi State procedures.
- (4) Disciplinary action may be taken against a student for violations of the above regulations that occur on Pellissippi State-owned, -leased, or otherwise -controlled property, or that occur off-campus when the

(Rule 0240-3-18-.03, continued)

conduct impairs, interferes with or obstructs any College activity or the missions, processes, or functions of the College. In addition, disciplinary action may be taken on the basis of any conduct, on or off-campus, that poses a substantial threat to people or property within the Pellissippi State community.

(5) For the purposes of these regulations, a "student" shall mean any person who is registered for study at Pellissippi State for any academic period, including the time that follows the end of an academic period that the student has completed until the last day of registration for the next succeeding regular academic period, and during any period while the student is under suspension from Pellissippi State.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed October 8, 2003; effective February 27, 2004.

#### 0240-3-18-.04 DISCIPLINARY SANCTIONS.

- (1) Upon determination that a student or organization has violated any of the rules, regulations or disciplinary offenses set forth in these Regulations, the following disciplinary sanctions may be imposed, either singly or in combination, by the appropriate Pellissippi State officials.
  - (a) Restitution. A student who has committed an offense against property may be required to reimburse Pellissippi State or other owner for damage to misappropriation of such property. Any such payment in restitution shall be limited to actual cost of repair of replacement.
  - (b) Warning. The appropriate Pellissippi State official may notify the student that continuation or repetition of specified conduct may be cause for other disciplinary actions.
  - (c) Reprimand. A written reprimand, or censure, may be given any student whose conduct violates these regulations. Such a reprimand does not restrict the student in any way, but does have important consequences. It signifies to the student that he/she is being given another chance to conduct himself/herself as a proper member of the College community, but that any further violation will result in more serious penalties. In addition, a reprimand does remain on file in a student's personnel record for a period of one year.
  - (d) Restriction: A restriction upon a student's or organization's privileges for a period of time may be imposed. This restriction may include, for example, denial of the right to represent Pellissippi State in any way, or the use of facilities, parking privileges, or participation in extracurricular activities, or of full organizational privileges.
  - (e) Probation. Continued enrollment of a student on probation may be conditioned upon adherence to these regulations. Any student placed on probation will be notified of such in writing and will also be notified of the terms and length of probation. Probation may include restrictions upon the extracurricular activities of a student. Any conduct in violation of these regulations while on probationary status may result in the imposition of a more serious disciplinary sanction.
  - (f) Suspension. If a student is suspended, he/she is separated from the Pellissippi State for a stated period of time which conditions of readmission stated in the notice of suspension.
  - (g) Expulsion. Expulsion entails a permanent separation from Pellissippi State. The imposition of this sanction does become a part of the student's permanent record and is a permanent bar to his or her readmission to Pellissippi State.

(Rule 0240-3-18-.04, continued)

- (h) Interim or summary suspension. Though as a general rule, the status of a student accused of violations of College regulations should not be altered until a final determination has been made in regard to the charges against the student. Summary suspension may be imposed upon a finding by the dean of Student Affairs or his/her designated representative that the continued presence of the accused on campus constitutes an immediate threat to the physical safety and well-being of the accused, or of any other member of the Pellissippi State community or its guest; destruction of property; or substantial disruption of classroom or other campus activities. In any case of immediate suspension, the student shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension, and if there are disputed issues of fact or cause and effect, the student shall be provided a hearing on the suspension as soon as possible.
- (2) The president of Pellissippi State is authorized at his/her discretion, to convert any sanction imposed to a lesser sanction, or to rescind any previous sanction, in appropriate cases.
- (3) Cases of Alleged Sexual Assault. In cases involving sexual assault, both the accuser and the accused shall be informed of the following:
  - (a) Both the accuser and the accused are entitled to the same opportunity to have others present during a disciplinary proceeding.
  - (b) Both the accuser and the accused shall be informed of the outcome of any disciplinary proceeding involving allegations of sexual assault.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed October 8, 2003; effective February 27, 2004.

#### 0240-3-18-.05 DISCIPLINARY PROCEDURES.

- (1) Admission to Pellissippi State implies that the student agrees to respect the rights of others and observes civil laws. Conduct regarded as dangerous or threatening which warrants response by the local law enforcement officials will carry an immediate temporary suspension of the student from the College. If a court convicts the student, the College may expel the student solely on the findings of the criminal court. If the College does not exercise this option, the student must begin the disciplinary process after the court proceeding concludes.
- (2) The student defendant shall be afforded all rights required by the due process including the following:
  - (a) Written notice of the alleged violation(s) and, the time and place of the hearing in the matter.
  - (b) The right to an advisor of his/her choice.
  - (c) The right to present evidence in his/her behalf.
  - (d) The right to call witnesses in his/her behalf.
  - (e) The right to cross examination.
  - (f) A tape recording of summary transcription of the proceedings shall be kept and made available to the student upon request for the sole purpose of appeal from a decision of suspension or

(Rule 0240-3-18-.05, continued)

- expulsion. The student may also have a verbatim transcript made at his/her own expense. Pellissippi State shall have this option at its expense.
- (g) The right to appeal the decision of the Pellissippi State official or the Student Disciplinary Hearing Body to the Pellissippi State President through the chair of the Student Disciplinary Hearing Body.
- (h) The right to attend classes and required Pellissippi State functions until a hearing is held and a decision is rendered, except
  - 1. when a student's physical or emotional safety and well-being are endangered;
  - 2. when the general safety and well-being of the faculty, staff or other Pellissippi State personnel are endangered;
  - 3. when the orderly progression of the educational objectives of Pellissippi State may be disrupted; or,
  - 4. when Pellissippi State property is in jeopardy.
- (3) All cases which may result in suspension or expulsion of a student from Pellissippi State, a program or a course for disciplinary reasons, or in revocation of registration of a student organization during the term of the registration are subject to the contested case provisions of the Tennessee Uniform Administrative Procedures Act (TUAPA) and shall be processed in accordance with the uniform contested case procedures adopted by TBR unless the student waives those procedures in writing and elects to have his/her case disposed of in accordance with Pellissippi State procedures established by the rules.
- (4) Due Process Procedures. In cases that involve actions of misconduct that would cause the student or students to be subjected to disciplinary action, a hearing shall be afforded the student according to the procedures outlines below:
  - (a) All complaints of alleged misconduct of a student shall be made in writing to the dean of Student Affairs. The complaint shall contain a statement of facts outlining each alleged act of misconduct and shall state the regulation which the student is alleged to have violated.
  - (b) The dean of Student Affairs shall investigate the complaint. If it is determined that the complaint is without merit, the investigation shall promptly cease. If it is determined that there is probable cause to believe a violation did occur, the process as outlined below.
  - (c) The student shall be notified in writing by the dean of Student Affairs that he/she is accused of a violation and will be asked to come in for conference to discuss the complaint.
  - (d) At the conference, the student shall be advised of the following:
    - 1. He/she may admit the alleged violation, waive a hearing in writing, and request that Pellissippi State officials take appropriate action.
    - 2. He/she may admit the alleged violation in writing and request an adjudication before the Student Disciplinary Hearing Body.
    - 3. He/she may deny the alleged violation in writing and request an adjudication before the Student Disciplinary Hearing Body.

(Rule 0240-3-18-.05, continued)

- 4. If appropriate, the student shall be advised of the option to utilize the TUAPA. If the student elects to proceed under the institutional process, a waiver of TUAPA hearing shall be signed.
- (e) In cases referred to the Student Disciplinary Hearing Body, the Dean of Student Affairs shall, at least five (5) days in advance of the hearing, notify the student in writing concerning the following:
  - 1. The date, time, and place of the hearing.
  - 2. A statement of the specific charges and grounds that, if proven, would justify disciplinary action being taken.
  - 3. The names of witnesses scheduled to appear.
- (f) The student defendant may designate three (3) people from the faculty and/or student body to observe the hearing; the chair of the Student Disciplinary Hearing Body may, for good cause, designate three (3) observers from the faculty and/or student body. The Student Disciplinary Hearing Body, however, may exclude any person who may be reasonably expected to interfere materially with the hearing. Otherwise, the hearing and other deliberations of the Student Disciplinary Hearing Body shall be closed except for appropriate observers from Pellissippi State administration.
- (g) The decision reached at the hearing shall be communicated in writing to the student. It shall specify the action taken by the Student Disciplinary Hearing Body. Upon the request of the student, a summary of the evidence shall be provided to the student.
- (h) A student shall be notified in writing of his or her right to appeal the decision of the Student Disciplinary Hearing Body to the President of Pellissippi State through the Student Support Committee within five (5) days of receipt of decision. In cases of appeal, any action assessed by the Student Disciplinary Hearing Body shall be suspended pending outcome of the appeal. A copy of the final decisions shall be mailed to the student.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed May 18, 1994; effective September 28, 1994. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed November 26, 1997; effective March 30, 1998. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 8, 2003; effective February 27, 2004.

#### 0240-3-18-.06 TRAFFIC AND PARKING REGULATIONS.

#### (1) Purpose

- (a) Traffic and Parking regulations are established and enforced to assure the rights and privileges of students, faculty, staff, visitors and others who operate motor vehicles at the Pellissippi, Division Street, Magnolia Avenue, and Blount County Campuses of Pellissippi State Technical Community College (PSTCC).
- (b) Pellissippi State believes that operating and parking a vehicle on campus are privileges.

(Rule 0240-3-18-.06, continued)

(c) Vehicles operated on all property owned or controlled by Pellissippi State will comply with all traffic and parking signs and with the laws of the State of Tennessee, in accordance with T.C.A. Title 55 Motor Vehicles.

#### (2) Regulations

- (a) Speed limit for all vehicles will not exceed 20 m.p.h. or lower posted speed limits.
- (b) Pedestrians have the right of way over vehicles traffic at all times.
- (c) Parking is permitted only on those areas designated for parking.
- (d) Parking is permitted only on areas designated for your classification.

#### (3) Traffic Violations

- (a) Parking in an unmarked area (grass, sidewalks, road, etc.);
- (b) Parking in a restricted area (disabled, fire zone, loading zone, cross walks, etc.);
- (c) Parking in a zone other than one designated for your classification;
- (d) Parking on or over lines;
- (e) No or non-current PSTCC parking hang tags for faculty/staff;
- (f) Parking on the wrong side of the street;
- (g) Obstructing the right-of-way;
- (h) Littering;
- (i) Blocking the path of another vehicle.
- (j) Parking in disabled zone.

#### (4) Moving Violations

- (a) Speeding (20 m.p.h. limit or over posted speed limits);
- (b) Reckless driving
- (c) Failure to yield to pedestrians;
- (d) Failure to come to a complete stop at stop signs;
- (e) Failure to obey safety and security personnel;
- (f) Operating a vehicle causing loud or unnecessary noise, such as loud mufflers, horns, p.a. systems, radios, etc.
- (5) Division Street Campus Parking. Staff, faculty, student, visitor, and disabled parking is designated by postings on campus.

(Rule 0240-3-18-.06, continued)

- (6) Blount County Campus. Staff, faculty, student, visitor, and disabled parking is designated by postings on campus.
- (7) Magnolia Avenue Campus. Staff, faculty, student, visitor, and disabled parking is designated by postings on campus.
- (8) Penalties for Violations of Regulations
  - (a) For illegal parking in loading zones, parking out of classification \$15.00 all violations.
  - (b) For improper parking in loading zones, parking out of classification \$15.00 all violations.
  - (c) For illegal parking in fire zone \$15.00 all violations. For illegal parking in the disabled zone \$100.00. Motor vehicles illegally parking in these areas are subject to being towed.
  - (d) If a vehicle is towed, the operator will reimburse the towing agent for all towing and storage charges and will also pay any fines assessed by PSTCC.
  - (e) For exceeding posted speed limit, for driving on PSTCC property in a careless or reckless manner, or for any other moving violation such as those listed in T.C.A. Title 55 \$15.00 all violations.
  - (f) For failure to display hang tag or failure to remove a hang tag when required \$15.00.
  - (g) All who habitually or flagrantly disregard these regulations may be subject to disciplinary action and/or may have their parking privileges revoked. Persons who continue to park on PSTCC property after their privileges have been revoked will have their vehicles towed away.
  - (h) All citations must be paid within fourteen (14) days. Any person who fails to make payment or to request a hearing with the Appeals Committee within this period will be charged a \$5.00 late fee.
  - A person receiving a citation must present his or her copy along with payment to the Business Office' cashier window.

#### (9) Appeals of Citations

- (a) An Appeals Committee to hear cases when the person receiving a citation feels that he has (a) justifiable reason(s) which may affect the citation received will consist of one student, one administrator/faculty member and one staff member.
- (b) The person receiving a citation may obtain an appeals form from the Safety and Security Office. The student will present the completed appeal form to the Safety and Security Office. Forms can be obtained and submitted in the main office at the branch campuses. An appeal form can also be completed and submitted electronically at the PSTCC web page: <a href="http://www.pstcc.cc.tn.us/security/appeal.html">http://www.pstcc.cc.tn.us/security/appeal.html</a>.
- (c) The appeal request must be presented within fourteen (14) days of the date of the citation.
- (d) The person will present his or her case to the committee either in person or in written form.
- (e) The committee will make a determination of the case by secret ballot.
- (f) The Committee will hear cases once a month at all campuses.

(Rule 0240-3-18-.06, continued)

- (g) The failure of a person to appear before the committee at the appropriate time shall be considered a waiver of the right to a hearing.
- (h) The person receiving the citation and appealing it must have his/her appeal heard at the campus where the citation was given.
- (i) The appeals committee's decision is final.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Amendment filed November 3, 1989; effective February 28, 1990. Amendment filed July 14, 1992; effective October 28, 1992. Amendment filed April 23, 1993; effective July 28, 1993. Amendment filed August 8, 1995; effective December 29, 1995. Amendment filed July 3, 1996; effective November 28, 1996. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed January 11, 2002; effective May 31, 2002. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.

#### 0240-3-18-.07 REPEALED.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed August 28, 1984; effective November 13, 1984. Repeal filed November 3, 1989; effective February 28, 1990.

### 0240-3-18-.08 REGISTRATION OF VEHICLES.

- (1) All vehicles operated on the Pellissippi, Division Street, Magnolia Avenue, and Blount County campuses by students, faculty and staff must be properly registered and display a prescribed hang tag. Vehicles include pick-up trucks, vans and jeeps, as well as automobiles.
- (2) Hang tags are not required for motorcycles, motorbikes and scooters, but those vehicles should only park in areas designated for motorcycles.
- (3) The Person to whom the vehicle is registerd is responsible for the vehicle and all violations and citations involving the vehicle. If the person operating the vehicle is not the registrant, and a violation is committed, both the operator and the registrant may be fined. Department of Motor Vehicle license tags may be used to identify parking violators.
- (4) The faculty/staff parking hang tag may be displayed from the rear view mirror of the vehicle or placed on the dash. The registration number must be visible.
- (5) Registrants who are unable to drive their own vehicles on a particular day should move the hang tag to the temporary vehicle or should leave explanatory notes displayed on the dashboards (along with their decal number) to alert the public safety officer.
- (6) Visitors are defined as persons not connected with the College but who occasionally have business or other reasons to be on the campus. Designated visitor space will be the V-1 parking area or in any open (O) lots.

Authority: T.C.A. §49-8-203. Administrative History: Original rule filed July 14, 1992; effective October 28, 1992. Amendment filed February 18, 1999; effective June 28, 1999. Amendment filed February 28, 2000; effective June 28, 2000. Amendment filed August 29, 2000; effective December 29, 2000. Amendment filed October 17, 2002; effective February 28, 2003. Amendment filed October 8, 2003; effective February 27, 2004.